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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,947	10/06/2000	Stephen R. Lawrence	11379A	2915

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EXAMINER
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COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant(s)

09/684,947

Applicant(s)

LAWRENCE ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 16.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Claim 74 is pending and claims 1-73 and 75-79 have been cancelled in previous amendments. Claim 74 has been amended in this communication filed 11/21/03 entered as Amendment E, paper no. 15.
2. Amendment C filed 10/17/03 was not entered. Claim 79 was canceled in this amendment and claim 74 was amended
3. A notice of Non-compliance sent 11/06/03 has been entered as paper no. 13.
4. Amendment D filed 11/21/03 has been entered as paper no. 14.
5. The RCE filed 10/17/03 has been entered as paper no. 11.

***Continued Examination Under 37 CFR 1.114***

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/21/03 has been entered.

***Amendment Objection***

7. The amendment filed 03/14/03 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: determining a first value

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equal to the overlap number of pages in the filtered full list of results corresponding to each of the first and the second third-party engines divided by the number of pages in the filtered full list of the second third-party search engines; determining a second value equal to a number of pages in the filtered full list of the first third-party search engines divided by the overlap number of pages in the filtered full list of results corresponding to each of the plurality of third-party search engines; and determining an estimate of the relative coverage of the plurality of third-party engines by dividing the second value by the first value.

Applicants are respectfully requested to specifically point out in the Specification where these limitations are located or to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

***Preliminary Matter***

10. **As a preliminary matter, in an effort to give the application a proper examination and to expedite prosecution, Applicants' are respectfully requested to provide the following references mentioned in Applicants' Specification:** On page 6, (Salton, G. 1989), Automatic text processing: the transformation, analysis and retrieval of information by computer, Addison-Wesley); page 20, Willet, P. (1988), "Recent trends in hierarchical document clustering: a critical review", Information Processing and Management 24, 577-597"; page 23, Porter, M. F. (1980), "An algorithm for suffix stripping", program 14, 130-137); page 30, Selberg and Etzioni (Selberg, E. and Etzioni, O. (1995), Multi-service search and comparison using MetaCrawler, in Proceedings of the 1995 World Wide Web Conference"); page 31, (Eisenberg, M. and Barry, C. (1986), Order effects: A preliminary study of the possible influence of presentation order on user judgments of document relevance, in Proceedings of the 49<sup>th</sup> Annual Meeting of the American Society for Information Science", Vol. 23, pp. 80-86);

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page 32, (Brake, D. (1997), "Lost in cyberspace", New Scientist 154 (2088), 12-13);

page 40, (Cunningham, M. (1997), "Brewster's millions", <http://www.irishtimes.com/irish-times/paper/1997/0127/cmpl.html>); and page 40, (Guglielmo, C.

(1997), "Mr. Kurnit's neighborhood", Upside September).

11. Claim 74 rejected under 35 U.S.C. 103(a) as being unpatentable over "Yale University Library/Internet Search Engines; Exercise 4: MetaSearch Engines", hereafter MetaSearch Engines in view of (US 5,987,446) Corey et al, hereafter Corey.

With respect to claim 74, MetaSearch Engines teaches, forwarding a query to each of the plurality of third-party search engines (page 1, last paragraph); retrieving a full list of results comprising pages matching the query from the plurality of third-party search engines (page 2, last drawing figure- "MetaCrawler Search Results"); retrieving text for all pages listed in the full list of results corresponding to each of the plurality of third-party search engines (page 4, fig. 6); filtering out pages from the full list of results corresponding to each of the of third-party search engines if the pages are unavailable or no longer match the query (page 3, fig. 3); estimating the relative coverage of the plurality of third-party search engines (page 4, fig. 5), the estimating step including the steps of:

MetaSearch Engines failed to teach, (i) determining a first value equal to the overlap number of pages in the filtered full list of results corresponding to each of the first and the second third-party search engines divided by the number of pages in the filtered full list of the second third-party search engine;(ii) determining a second value equal to a number of pages in the filtered full list of the first third-party search engine

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divided by the overlap number of pages in the filtered full list of results corresponding to each of the plurality of third party engines; and (iii) determining an estimate of the relative coverage of the plurality of third-party engines by dividing the second value by the first value.

Corey teaches, (i) determining a first value equal to the overlap number of pages in the filtered full list of results corresponding to each of the first and the second third-party search engines divided by the number of pages in the filtered full list of the second third-party search engine (col. 3, lines 16-34);(ii) determining a second value equal to a number of pages in the filtered full list of the first third-party search engine divided by the overlap number of pages in the filtered full list of results corresponding to each of the plurality of third party engines(col. 3, lines 35-67 and col. 4, lines 1-5); and (iii) determining an estimate of the relative coverage of the plurality of third-party engines by dividing the second value by the first value (col. 7, lines 34-67, col. 8, lines 1-57, Tables 1-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine a first value equal to the overlap number of pages in the filtered full list of results corresponding to each of the first and the second third-party search engines divided by the number of pages in the filtered full list of the second third-party search engine; determine a second value equal to a number of pages in the filtered full list of the first third-party search engine divided by the overlap number of pages in the filtered full list of results corresponding to each of the plurality of third party engines; and determine an estimate of the relative coverage of the plurality of third-party engines by dividing the second value by the first value and to modify in MetaSearch

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Engines because such a modification would allow MetaSearch Engines to better calculate the results of the filtered pages from the multiple search engines and to discard the overlapped pages.

***Response to Arguments***

12. Applicants' arguments filed 11/21/03 are "moot" in view of the new ground(s) of rejection given above.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Steve Lawrence and C. Lee Giles disclosed Inquirus, the NECI meta search engine.

Voorhees et al (US 5,864,845) disclosed World Wide Web searches using a multiple search engine.

Hoffman, Jr. et al (US 6,122,657) disclosed filtering of hypertext tags and content.

Davies et al (US 5,931,907) disclosed comparing accessible keywords with meta-information and having pointers associated with distributed information.




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***Inquiri s***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
E. Colbert  
January 30, 2004